

P.19-54

7-6-84 asgd to Box Canyon Limited Partnership, @ Calif.  
Limited Partnership

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 27840 PERMIT 19054 LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE  
AND AMENDING THE PERMIT

**WHEREAS:**

1. Permit 19054 was issued to Siskiyou Power Authority on December 6, 1983 pursuant to Application 27840.
2. Permit 19054 was subsequently assigned to Box Canyon Limited Partnership.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board (Board).
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.
5. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1994

(0000009)

2. Condition 12 of the permit be amended to read:

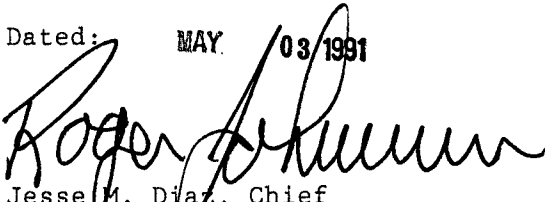
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and

operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: MAY 03 1991

*for*   
Jesse M. Diaz, Chief  
Division of Water Quality  
and Water Rights

STATE OF CALIFORNIA  
~~THE RESOURCES AGENCY~~  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19054

Application 27840 of Siskiyou Power Authority (over)  
305 Butte Street, Yreka, California 96097

filed on August 12, 1983, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Sacramento River

Suisun Bay

2. Location of point of diversion:

	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
Box Canyon Dam North $40^{\circ}01'$ West, 1196.18 feet from SE corner of Section 29	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	29	40N	4W	MD

County of Siskiyou

3. Purpose of use:

4. Place of use:

		Section	Town- ship	Range	Base and Meridian	Acres
Power	Box Canyon Power House in SE $\frac{1}{4}$ of SE $\frac{1}{4}$	29	40N	4W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 100 cubic feet per second to be diverted from January 1 to December 31 of each year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)
8. Construction work shall be completed by December 1, 1986. (0000008)
9. Complete application of the water to the authorized use shall be made by December 1, 1987. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
12. Pursuant to California Water Code Sections 100 and 275, and the public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses, prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.
- The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) to installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.
- The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action takes into account the public interest and is necessary to protect public trust uses. All such actions shall conform to the standard of reasonableness contained in Article X, Section 2 of the California Constitution. (0000012)
13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. Permittee shall comply with the following provisions which are also included in the agreement between the Siskiyou County Flood Control and Water Conservation District and Department of Fish and Game executed on February 23, 1983:

1. Flow Releases:

- a. Amount - The Siskiyou County Flood Control and Water Conservation District (District) will release into the stream channel immediately below the Box Canyon Power House the total inflow to the reservoir subject only to retention of such quantities of water necessary to replenish incidental domestic use of water in conjunction with recreational use of the reservoir and evaporative losses. Under no circumstances will the flow release be less than 40 cfs, irrespective of inflow, provided active storage is available in the reservoir to regulate the flow.

- b. Temperature - The District will operate the dam and powerhouse facilities in such a manner as to optimize water temperatures for trout in the stream below the dam. Monthly temperature goals are as follows:

<u>Month</u>	<u>Temperature (°F)</u>	<u>Dam Operation</u>
October-May	Maximize release temperature	Withdraw from reservoir surface layer
June	55°±	Mix release levels
July-August	Minimize release temperature	Withdraw from lowest level
September	55°±	Mix release levels

The Department of Fish and Game may change these temperature goals by notifying the District in writing.

- c. Dissolved oxygen concentration - The District will maintain a dissolved oxygen concentration of not less than 7.0 mg/l in the release water at all times.

2. Minimum Pool:

The District will maintain the following minimum pools in Box Canyon Reservoir subject only to such reduction as necessary to meet fishery releases set forth in paragraph 1:

- a. March 15 to October 10 - The reservoir will be maintained at normal water surface elevation (Elevation 3181).
- b. October 10 to March 15 - The reservoir water level will be drawn down to an elevation of 3176 to provide 2000 acre-feet of reserved storage capacity for flood control purposes.

The District will maintain and operate the reservoir, so far as is feasible, at the levels specified above, providing they do not conflict with requirements of paragraph 5 (Operational Criteria). Reservoir levels will not be varied to meet the District's power generation requirements.

3. Reservoir Outlet Locations:

Reservoir outlets will be located so as to meet the following objectives:

- a. To provide optimum water temperatures for trout in the stream below the dam.
- b. To provide D. O. concentrations not less than 7.0 mg/l in the release water immediately below the dam.
- c. To minimize discharge of turbid release water.

## 4. Monitoring:

- a. The District will establish and operate a gaging and recording station at a location acceptable to the Department. Release flows and water temperatures at said station will be recorded continuously. Daily maximum, minimum and average reservoir water surface elevations, release flows and temperatures will be available in published form annually. Unpublished records will be made available to interested agencies on request.
- b. Dissolved oxygen concentrations of the release water will be monitored at the gage according to a schedule determined by the Department of Fish and Game. If D. O. values below 7.0 mg/l are found, power plant operation will cease until corrective measures return the D. O. value to 7.0 mg/l or above. Monitoring of D. O. may be discontinued when, at the discretion of the Department, it is found to consistently exceed 7.0 mg/l.
- c. The District will bear all costs of establishing, operating and maintaining the gage and recording facilities, and the reporting of records.

## 5. Operational Criteria:

- a. Adjustments in Flow Releases - The District will adjust reservoir releases as necessary to meet criteria for flow release rates, temperature, dissolved oxygen, and reservoir water surface elevations under Sections one and two.
- b. Flood Flows - Flood flows discharged over the spillway are excluded from the requirements of this paragraph. Decreases in release flows following drawdown for flood control reservation or following release of flood flows will not exceed 10 percent of the initial flow per hour. Decreases will be no more than 50 percent of the initial flow for any twenty-four hour period.
- c. Increases in Flow Releases - Increases in flow releases during drawdown of the flood pool or for release of flood flows will be at a rate that will not endanger fisherman or other river users.
- d. Adjustments to Agreement - Should the District need to accomplish maintenance or additional construction that would alter the streambed or create the possibility of preventing the provisions of this agreement from being fully met, the District will first notify the Department of Fish and Game and execute an agreement under Fish and Game Code Sections 1600-1606.

## 6. Public Access:

- a. Free public access for fishing purposes will be permitted to all project lands and waters insofar as this is consistent with safety and project operational requirements. The District will take measures necessary to ensure continued free public access to at least four miles of the Sacramento River immediately below Box Canyon Dam which will be considered part of the project recreational area to be maintained by the District or its designated agents.
- b. The District will grade the road to the Department of Fish and Game's fishing access site on the south side of the Sacramento River below the Box Canyon Dam at Ney Springs Creek. The District will not be responsible for extraordinary road maintenance, snow removal, trash pick-up or any other activities at this site.

## 7. Wildlife Mitigation:

- a. To mitigate the loss of deer habitat which was inundated at Box Canyon Reservoir, the District will make available to the Department of wildlife management purposes that tract of approximately 500± acres of land designated as the North Shore Wildlife Mitigation Area. The District will restrict or preclude all activities on or use of said tract which, in the opinion of the Department of Fish and Game are inconsistent with wildlife management purposes for which said tract is hereby reserved. The District will specifically prevent vehicle access to the meadow area through appropriate measures, including fencing, as necessary.
- b. The District will, during each calendar year for the life of the project, reimburse the Department of Fish and Game for the actual cost of maintaining wildlife habitat on said tract up to but not exceeding \$2,100 per year or, at the District's option, perform the work required by the Department. Reimbursement shall be made by the District within 30 days after billing by the Department.
- c. Transmission lines will be designed and constructed in such a way that they are not a hazard to raptors.

## 8. Post Project Studies:

- a. Experimental Flow Releases - The District will, in cooperation with the Department of Fish and Game, conduct experimental flow releases using the multiport intakes, to determine operating criteria for maintaining optimum conditions for trout in the stream below the dam while meeting the 7.0 mg/l standard for dissolved oxygen concentration. Criteria will vary seasonally as inflow and water temperature conditions change within the reservoir.
- b. Fish Entrainment - To compensate for losses of fish entrained through the powerhouse, the District will, within 30 days following the submission of a statement of costs, pay for the stocking of 2,000 pounds of trout per fiscal year in Lake Siskiyou. The cost to the District of such trout shall not exceed the then prevailing statewide average cost to the Department of Fish and Game for the production and distribution of 2,000 pounds of catchable trout. The size, numbers and species of trout to be planted and the times and frequency of planting shall be as determined by the Department.
- c. Cost of Studies and Mitigative Measures - The cost of studies and mitigative measures including those incurred under paragraph 8 (b) above, will be funded by the District. Such costs, funded by the District, will not exceed the amount of \$10,000 (1982 dollars) per year, exclusive of the requirement under 7 (b) above, and will not be incurred by the District without prior consultation and agreement.
- d. Modifications - If unforeseen damages occur to fish or wildlife because of project construction and/or operation, District will modify project facilities or operations as deemed necessary by the Department.

## 9. Exclusions:

This agreement supersedes all other agreements between the Department and District relating to the Box Canyon Dam Project. The term of the agreement is for the life of the project unless both parties mutually agree to a change.

(0400500)

15. Water diverted under this permit is for nonconsumptive uses and is to be released to Sacramento River within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 29, T40N, R4W, MDB&M.

(0000111)

16. The total quantity of water diverted under this permit, together with that diverted under permit issued on Application 25309, shall not exceed 460 cubic feet per second.

(0000114)



17. All rights and privileges to appropriate water for power purposes under this permit and any subsequently issued license are subject to depletions resulting from future upstream appropriation for domestic and stockwatering uses within the watershed. Such rights and privileges may also be subject to future upstream appropriations for uses within the watershed other than domestic and stockwatering if and to the extent that the Board determines, pursuant to Water Code Sections 100 and 275, that the continued exercise of the appropriation for power purposes is unreasonable in light of such proposed uses. Any such determination shall be made only after notice to permittee or licensee of an application for any such future upstream appropriation and the opportunity to be heard; provided, that a hearing, if requested, may be (0001001) consolidated with the hearing on such applications.

No construction shall be commenced and no water shall be used under this permit until all necessary federal, state and local approvals have been obtained, including compliance with any applicable Federal Energy Regulatory Commission requirements. (0005001)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: DECEMBER 6 1983

STATE WATER RESOURCES CONTROL BOARD

*Raymond Wash*

Chief, Division of Water Rights